

REMARKS/ ARGUMENTS

Claims 2-6, 8-25 and 31-36 are currently pending in the present application. Claims 2-6, 20-22 and 26 have been provisionally rejected under the non-statutory doctrine of obviousness-type double patenting in view of co-pending Appl. Ser. No. 10/938,968 in view of U.S. Published Application No. 2005/0080661. Claims 2-6, 8-25 and 31-36 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Application Publ. No. 2005/0154785 to Reed et al. in view of U.S. Application Publ. No. U.S. Patent No. 2003/0220925 to Lior et al. in further view of U.S. Patent No. 7,302,480 to Lahtinen, U.S. Publ. No. 2005/0080661 to Casati et al., and U.S. Publ. No. 2003/0012141 to Gerrevink et al.

Applicant respectfully requests reconsideration of the present application in light of the foregoing claim amendments and the following remarks.

Double Patenting Rejection

Applicant submits herewith a terminal disclaimer in response to the double-patenting rejection identified above.

Prior Art Rejection

To support a rejection based on obviousness, the Examiner must, as the MPEP requires, articulate why a combination of references teaches or suggests all limitations of the claims. See MPEP §§ 2141, 2143. Furthermore, "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." MPEP 2143.01, citing *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007), quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). In addition, "[a]ll words in a claim must be considered in

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judging the patentability of that claim against the prior art." MPEP § 2143.03 (citing *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)).

Applicant has amended claim 1 to include "discovering, at the network device, one or more web services based on web service invocation messages received at the network device." Claim 22 has been amended to include similar language. Accordingly, the claimed subject matter is directed to a system that discovers one or more web services in network traffic, and presents the discovered web services to a user for configuration of traffic classifications for selected web services.

The proposed prior art combination cited in the office action fails to establish a prima facie case of obviousness because not all claim limitations are taught by the combination. For example, the cited references fail to establish a prima facie case of obviousness since they do not, alone or in combination teach, discovering web services based on based on web service invocation messages received at the network device, maintaining a tracking list data structure comprising, for each discovered web service, a web service identifier corresponding to the web service and a transaction count associated with the web service; incrementing, responsive to a message indicating a new web services network transaction, a transaction count associated with the web service identified in the message; and presenting, in a user interface, one or more of the web service identifiers and corresponding transaction counts, wherein the user interface allows for selection of one or more web service identifiers. As discussed previously, Reed teaches a method of mapping OSGi services to web services. Furthermore, the Examiner admits that Reed does not teach discovering web services based on received web service invocation messages. Lior teaches a system that stores web services network information extracted from interface definition documents for use in an access policy mechanism. Lior, however, does not teach a system that discovers web services and presents them to users, who then have the option of selecting one or more web

services and configuring traffic classifications for them. Rather, it appears that the teachings of Lior pre-suppose that a user has existing knowledge of a web service. In addition, the remaining references in the cited combination do not disclose or suggest a system that discovers "one or more web services based on web service invocation messages received at the network device."

Lastly, dependent claims 2-5, 8-21, 23-25, and 31-36 directly or indirectly depend from claims 6 and 22 respectively and are therefore respectfully submitted to be patentable over the prior art combinations proposed by the Examiner for at least the reasons set forth above with respect to the independent claims. Further, these dependent claims recite additional limitations that when considered in the context of the claimed invention further patentably distinguish the cited references.

In light of the foregoing, Applicants believe that all currently pending claims are presently in condition for allowance. Applicants respectfully request a timely Notice of Allowance be issued in this case.

Applicants request to charge the Deposit Account No. 02-0384 of Baker Botts LLP a total of \$950.00 for Request for continued examination (RCE) fee \$810.00 under 37 C.F.R. 1.17(e) and for a Terminal Disclaimer fee of \$140.00 under 37 C.F.R. 1.20(d).

If a telephone conference would advance prosecution of this Application, the Examiner may call Mark J. Spolyar, Attorney for Applicant, at 650-739-7511.

The Commissioner is hereby authorized to charge any fee and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts LLP.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicant

A handwritten signature in black ink, appearing to read "Mark J. Spolyar". The signature is fluid and cursive, with the first name "Mark" and last name "Spolyar" clearly distinguishable.

Mark J. Spolyar
Reg. No. 42,164

Date: October 21, 2008

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